UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 OCT 29 AM 9:39

CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Manuel GOMEZ-Calvillo AKA: Eutimio ACEVEDO-Sanches** Defendant.	Magistrate Case No. '07 MJ 2514 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about **October 23, 2007**, within the Southern District of California, defendant **Manuel GOMEZ-Calvillo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Mario Avila, U.S. Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **29th** DAY OF **October**, 2007.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Sara Esparagoza, declare under penalty of perjury the following to be true and correct:

On October 23, 2007 at approximately 2035 hours **Manuel GOMEZ-Calvillo AKA: Eutimio ACEVEDO-Sanches (Defendant)** attempted entry without inspection into the United States from Mexico at the vehicle entrance of the San Ysidro, California Port of Entry. A United States Customs and Border Protection (CBP) Officer conducting vehicle pre-primary inspections discovered a non-factory compartment under a white Dodge Caravan operated by **Gabriel MACIAS**. The vehicle and MACIAS were escorted to secondary inspection.

In secondary, three undocumented aliens, including Defendant, were removed from the non-factory compartment. Defendant was queried by fingerprint and photograph submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS returned a match to the query confirming Defendant's identity and linking him to FBI and Immigration Service records.

Immigration Service records checks, including the Deportable Alien Control System (DACS) and the Central Index System (CIS) identified Defendant as a citizen of Mexico and a previously removed alien. DACS information indicates that on or about June 29, 2007 Defendant was removed from the United States to Mexico through San Ysidro, California. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security to legally re-enter the United States.

During a videotaped proceeding, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without the benefit of counsel. During a subsequent interview, Defendant admitted he is a citizen of Mexico by birth in Michoacán, Mexico. Defendant admitted he possesses no document or other benefit that would permit his legal entry into the United States. Defendant admitted to having been previously removed from the United States on two prior occasions and returned to Mexico. Defendant admitted he has not applied for or received permission from the United States government to legally enter the United States. Defendant admitted that he attempted to elude inspection by concealment in a non-factory compartment of a white Dodge van. Defendant admitted that he had knowledge that he was not allowed to enter the United States. Defendant admitted he intended to enter the United States without being inspected and travel to Fresno, California.

EXECUTED ON THIS 24th DAY OF **October 2007** AT **10:00 am.**

Sara Esparagoza / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on **October 23, 2007** in violation of Title 8, United States Code, Section 1326.

Barbara L. Major
MAGISTRATE JUDGE

10/24/07 at 1:47 pm
DATE / TIME